

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following  
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 ~~The Illinois Dental Practice Act.~~

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Barber, Cosmetology, Esthetics, and Nail Technology  
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,  
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,  
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following  
24 Act is repealed on January 1, 2016:

25 The Illinois Dental Practice Act.

26 Section 10. The Illinois Dental Practice Act is amended by  
27 changing Sections 4, 7, 9, 11, 16, 16.1, 19, 24, 25, and 50 and  
28 by adding Sections 25.1 and 54.2 as follows:

29 (225 ILCS 25/4) (from Ch. 111, par. 2304)

1 (Section scheduled to be repealed on January 1, 2006)

2 Sec. 4. Definitions. As used in this Act:

3 (a) "Department" means the Illinois Department of  
4 Professional Regulation.

5 (b) "Director" means the Director of Professional  
6 Regulation.

7 (c) "Board" means the Board of Dentistry established by  
8 Section 6 of this Act.

9 (d) "Dentist" means a person who has received a general  
10 license pursuant to paragraph (a) of Section 11 of this Act and  
11 who may perform any intraoral and extraoral procedure required  
12 in the practice of dentistry and to whom is reserved the  
13 responsibilities specified in Section 17.

14 (e) "Dental hygienist" means a person who holds a license  
15 under this Act to perform dental services as authorized by  
16 Section 18.

17 (f) "Dental assistant" means an appropriately trained  
18 person who, under the supervision of a dentist, provides dental  
19 services as authorized by Section 17.

20 (g) "Dental laboratory" means a person, firm or corporation  
21 which:

22 (i) engages in making, providing, repairing or  
23 altering dental prosthetic appliances and other artificial  
24 materials and devices which are returned to a dentist for  
25 insertion into the human oral cavity or which come in  
26 contact with its adjacent structures and tissues; and

27 (ii) utilizes or employs a dental technician to provide  
28 such services; and

29 (iii) performs such functions only for a dentist or  
30 dentists.

31 (h) "Supervision" means supervision of a dental hygienist  
32 or a dental assistant requiring that a dentist authorize the  
33 procedure, remain in the dental facility while the procedure is  
34 performed, and approve the work performed by the dental  
35 hygienist or dental assistant before dismissal of the patient,  
36 but does not mean that the dentist must be present at all times

1 in the treatment room.

2 (i) "General supervision" means supervision of a dental  
3 hygienist requiring that the patient be a patient of record,  
4 that the dentist examine the patient in accordance with Section  
5 18 prior to treatment by the dental hygienist, and that the  
6 dentist authorize the procedures which are being carried out by  
7 a notation in the patient's record, but not requiring that a  
8 dentist be present when the authorized procedures are being  
9 performed. The issuance of a prescription to a dental  
10 laboratory by a dentist does not constitute general  
11 supervision.

12 (j) "Public member" means a person who is not a health  
13 professional. For purposes of board membership, any person with  
14 a significant financial interest in a health service or  
15 profession is not a public member.

16 (k) "Dentistry" means the healing art which is concerned  
17 with the examination, diagnosis, treatment planning and care of  
18 conditions within the human oral cavity and its adjacent  
19 tissues and structures, as further specified in Section 17.

20 (l) "Branches of dentistry" means the various specialties  
21 of dentistry which, for purposes of this Act, shall be limited  
22 to the following: endodontics, oral and maxillofacial surgery,  
23 orthodontics and dentofacial orthopedics, pediatric dentistry,  
24 periodontics, prosthodontics, and oral and maxillofacial  
25 radiology.

26 (m) "Specialist" means a dentist who has received a  
27 specialty license pursuant to Section 11(b).

28 (n) "Dental technician" means a person who owns, operates  
29 or is employed by a dental laboratory and engages in making,  
30 providing, repairing or altering dental prosthetic appliances  
31 and other artificial materials and devices which are returned  
32 to a dentist for insertion into the human oral cavity or which  
33 come in contact with its adjacent structures and tissues.

34 (o) "Impaired dentist" or "impaired dental hygienist"  
35 means a dentist or dental hygienist who is unable to practice  
36 with reasonable skill and safety because of a physical or

1 mental disability as evidenced by a written determination or  
2 written consent based on clinical evidence, including  
3 deterioration through the aging process, loss of motor skills,  
4 abuse of drugs or alcohol, or a psychiatric disorder, of  
5 sufficient degree to diminish the person's ability to deliver  
6 competent patient care.

7 (p) "Nurse" means a registered professional nurse, a  
8 certified registered nurse anesthetist licensed as an advanced  
9 practice nurse, or a licensed practical nurse licensed under  
10 the Nursing and Advanced Practice Nursing Act.

11 (q) "Patient of record" means a patient for whom the  
12 patient's most recent dentist has obtained a relevant medical  
13 and dental history and on whom the dentist has performed an  
14 examination and evaluated the condition to be treated.

15 (r) "Dental emergency responder" means a dentist or dental  
16 hygienist who is appropriately certified in emergency medical  
17 response, as defined by the Department of Public Health.

18 (Source: P.A. 92-280, eff. 1-1-02; 92-651, eff. 7-11-02;  
19 93-821, eff. 7-28-04.)

20 (225 ILCS 25/7) (from Ch. 111, par. 2307)

21 (Section scheduled to be repealed on January 1, 2006)

22 Sec. 7. Recommendations by Board of Dentistry. The Director  
23 shall consider the recommendations of the Board in establishing  
24 guidelines for professional conduct, for the conduct of formal  
25 disciplinary proceedings brought under this Act, and for  
26 establishing guidelines for qualifications of applicants.  
27 Notice of proposed rulemaking shall be transmitted to the Board  
28 and the Department shall review the response of the Board and  
29 any recommendations made therein. ~~Upon the vote of at least~~  
30 ~~7/10 of the members of the Board, the Department shall adopt~~  
31 ~~the recommendations of the Board in any rulemaking under this~~  
32 ~~Act.~~ The Department may, at any time, seek the expert advice  
33 and knowledge of the Board on any matter relating to the  
34 administration or enforcement of this Act. The action or report  
35 in writing of a majority of the Board shall be sufficient

1 authority upon which the Director may act.

2 Whenever the Director is satisfied that substantial  
3 justice has not been done either in an examination or in the  
4 revocation, suspension or refusal to issue a license, the  
5 Director may order a reexamination or rehearing.

6 (Source: P.A. 84-1308.)

7 (225 ILCS 25/9) (from Ch. 111, par. 2309)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 9. Qualifications of Applicants for Dental Licenses.

10 The Department shall require that each applicant for a license  
11 to practice dentistry shall:

12 (a) (Blank).

13 (b) Be at least 21 years of age and of good moral  
14 character.

15 (c) (1) Present satisfactory evidence of completion of  
16 dental education by graduation from a dental college or school  
17 in the United States or Canada approved by the Department. The  
18 Department shall not approve any dental college or school which  
19 does not require at least (A) 60 semester hours of collegiate  
20 credit or the equivalent in acceptable subjects from a college  
21 or university before admission, and (B) completion of at least  
22 4 academic years of instruction or the equivalent in an  
23 approved dental college or school before graduation; or

24 (2) Present satisfactory evidence of completion of dental  
25 education by graduation from a dental college or school outside  
26 the United States or Canada and provide satisfactory evidence  
27 that:

28 (A) (blank) ~~the completion of a dental education~~  
29 ~~outside the United States or Canada authorized the~~  
30 ~~applicant to practice dentistry in the country in which he~~  
31 ~~or she completed the dental education;~~

32 (B) the applicant has completed a minimum of 2 academic  
33 years of general dental clinical training at a dental  
34 college or school in the United States or Canada approved  
35 by the Department, however, an accredited advanced dental

1 education program approved by the Department of no less  
2 than 2 years may be substituted for the 2 academic years of  
3 general dental clinical training and ~~except that~~ an  
4 applicant who was enrolled for not less than one year in an  
5 approved clinical program prior to January 1, 1993 at an  
6 Illinois dental college or school shall be required to  
7 complete only that program; and

8 (C) the applicant has received certification from the  
9 dean of an approved dental college or school in the United  
10 States or Canada or the program director of an approved  
11 advanced dental education program stating that the  
12 applicant has achieved the same level of scientific  
13 knowledge and clinical competence as required of all  
14 graduates of the college, ~~or~~ school, or advanced dental  
15 education program.

16 Nothing in this Act shall be construed to prevent either  
17 the Department or any dental college or school from  
18 establishing higher standards than specified in this Act.

19 (d) In determining professional capacity under this  
20 Section, any individual who has not been actively engaged in  
21 the practice of dentistry, has not been a dental student, or  
22 has not been engaged in a formal program of dental education  
23 during the 5 years immediately preceding the filing of an  
24 application may be required to complete such additional  
25 testing, training, or remedial education as the Board may deem  
26 necessary in order to establish the applicant's present  
27 capacity to practice dentistry with reasonable judgment,  
28 skill, and safety.

29 (e) Pass an examination authorized or given by the  
30 Department in the theory and practice of the science of  
31 dentistry; provided, that the Department (1) may recognize a  
32 certificate granted by the National Board of Dental Examiners  
33 in lieu of, or subject to, such examination as may be required  
34 and (2) may recognize successful completion of the ~~preclinical~~  
35 ~~and clinical~~ examination ~~examinations~~ conducted by approved  
36 regional testing services in lieu of such examinations as may

1 be required. For purposes of this Section, successful  
2 completion shall mean that the applicant has achieved a minimum  
3 passing score on the regional examinations as determined by  
4 each approved regional testing service.

5 (Source: P.A. 88-45; 88-635, eff. 1-1-95; 89-80, eff. 6-30-95;  
6 89-116, eff. 7-7-95; 89-387, eff. 8-20-95; 89-626, eff.  
7 8-9-96.)

8 (225 ILCS 25/11) (from Ch. 111, par. 2311)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 11. Types of Dental Licenses. The Department shall  
11 have the authority to issue the following types of licenses:

12 (a) General licenses. The Department shall issue a license  
13 authorizing practice as a dentist to any person who qualifies  
14 for a license under this Act.

15 (b) Specialty licenses. The Department shall issue a  
16 license authorizing practice as a specialist in any particular  
17 branch of dentistry to any dentist who has complied with the  
18 requirements established for that particular branch of  
19 dentistry at the time of making application. The Department  
20 shall establish additional requirements of any dentist who  
21 announces or holds himself or herself out to the public as a  
22 specialist or as being specially qualified in any particular  
23 branch of dentistry.

24 No dentist shall announce or hold himself or herself out to  
25 the public as a specialist or as being specially qualified in  
26 any particular branch of dentistry unless he or she is licensed  
27 to practice in that specialty of dentistry.

28 The fact that any dentist shall announce by card,  
29 letterhead or any other form of communication using terms as  
30 "Specialist," "Practice Limited To" or "Limited to Specialty  
31 of" with the name of the branch of dentistry practiced as a  
32 specialty, or shall use equivalent words or phrases to announce  
33 the same, shall be prima facie evidence that the dentist is  
34 holding himself or herself out to the public as a specialist.

35 (c) Temporary training licenses. Persons who wish to pursue

1 specialty or other advanced clinical educational programs in an  
2 approved dental school or a hospital situated in this State, or  
3 persons who wish to pursue programs of specialty training in  
4 dental public health in public agencies in this State, may  
5 receive without examination, in the discretion of the  
6 Department, a temporary training license. In order to receive a  
7 temporary training license under this subsection, an applicant  
8 shall furnish satisfactory proof to the Department that:

9 (1) The applicant is at least 21 years of age and is of  
10 good moral character. In determining moral character under  
11 this Section, the Department may take into consideration  
12 any felony conviction of the applicant, but such a  
13 conviction shall not operate as bar to licensure;

14 (2) The applicant has been accepted or appointed for  
15 specialty or residency training by an approved hospital  
16 situated in this State, by an approved dental school  
17 situated in this State, or by a public health agency in  
18 this State the training programs of which are recognized  
19 and approved by the Department. The applicant shall  
20 indicate the beginning and ending dates of the period for  
21 which he or she has been accepted or appointed;

22 (3) The applicant is a graduate of a dental school or  
23 college approved and in good standing in the judgment of  
24 the Department. The Department may consider diplomas or  
25 certifications of education, or both, accompanied by  
26 transcripts of course work and credits awarded to determine  
27 if an applicant has graduated from a dental school or  
28 college approved and in good standing. The Department may  
29 also consider diplomas or certifications of education, or  
30 both, accompanied by transcripts of course work and credits  
31 awarded in determining whether a dental school or college  
32 is approved and in good standing.

33 Temporary training licenses issued under this Section  
34 shall be valid only for the duration of the period of residency  
35 or specialty training and may be extended or renewed as  
36 prescribed by rule. The holder of a valid temporary training

1 license shall be entitled thereby to perform acts as may be  
2 prescribed by and incidental to his or her program of residency  
3 or specialty training; but he or she shall not be entitled to  
4 engage in the practice of dentistry in this State.

5 A temporary training license may be revoked by the  
6 Department upon proof that the holder has engaged in the  
7 practice of dentistry in this State outside of his or her  
8 program of residency or specialty training, or if the holder  
9 shall fail to supply the Department, within 10 days of its  
10 request, with information as to his or her current status and  
11 activities in his or her specialty training program.

12 (d) Restricted faculty licenses. Persons who have received  
13 full-time appointments to teach dentistry at an approved dental  
14 school or hospital situated in this State may receive without  
15 examination, in the discretion of the Department, a restricted  
16 faculty license. In order to receive a restricted faculty  
17 license an applicant shall furnish satisfactory proof to the  
18 Department that:

19 (1) The applicant is at least 21 years of age, is of  
20 good moral character and is licensed to practice dentistry  
21 in another state or country; and

22 (2) The applicant has a full-time appointment to teach  
23 dentistry at an approved dental school or hospital situated  
24 in this State.

25 Restricted faculty licenses issued under this Section  
26 shall be valid for a period of 3 ~~2~~ years and may be extended or  
27 renewed. The holder of a valid restricted faculty license may  
28 perform acts as may be required by his or her teaching of  
29 dentistry. In addition, the holder of a restricted faculty  
30 license may practice general dentistry or in his or her area of  
31 specialty, but only in a clinic or office affiliated with the  
32 dental school. Any restricted faculty license issued to a  
33 faculty member under this Section shall terminate immediately  
34 and automatically, without any further action by the  
35 Department, if the holder ceases to be a faculty member at an  
36 approved dental school or hospital in this State.

1           The Department may revoke a restricted faculty license for  
2 a violation of this Act or its rules, or if the holder fails to  
3 supply the Department, within 10 days of its request, with  
4 information as to his current status and activities in his  
5 teaching program.

6           (e) Inactive status. Any person who holds one of the  
7 licenses under subsection (a) or (b) of Section 11 or under  
8 Section 12 of this Act may elect, upon payment of the required  
9 fee, to place his or her license on an inactive status and  
10 shall, subject to the rules of the Department, be excused from  
11 the payment of renewal fees until he or she notifies the  
12 Department in writing of his or her desire to resume active  
13 status.

14           Any licensee requesting restoration from inactive status  
15 shall be required to pay the current renewal fee and upon  
16 payment the Department shall be required to restore his or her  
17 license, as provided in Section 16 of this Act.

18           Any licensee whose license is in an inactive status shall  
19 not practice in the State of Illinois.

20           (f) Certificates of Identification. In addition to the  
21 licenses authorized by this Section, the Department shall  
22 deliver to each dentist a certificate of identification in a  
23 form specified by the Department.

24           (Source: P.A. 92-280, eff. 1-1-02.)

25           (225 ILCS 25/16) (from Ch. 111, par. 2316)

26           (Section scheduled to be repealed on January 1, 2006)

27           Sec. 16. Expiration, renewal and restoration of licenses.  
28 The expiration date and renewal ~~date period~~ for each license  
29 issued under this Act shall be set by rule. The renewal period  
30 for each license issued under this Act shall be 3 years. A  
31 dentist or dental hygienist may renew a license during the  
32 month preceding its expiration date by paying the required fee.  
33 A dental hygienist shall provide proof of current  
34 cardiopulmonary resuscitation certification at the time of  
35 renewal.

1 Any dentist or dental hygienist whose license has expired  
2 or whose license is on inactive status may have his license  
3 restored at any time within 5 years after the expiration  
4 thereof, upon payment of the required fee and a showing of  
5 proof of compliance with current continuing education  
6 requirements, as provided by rule.

7 Any person whose license has been expired for more than 5  
8 years or who has had his license on inactive status for more  
9 than 5 years may have his license restored by making  
10 application to the Department and filing proof acceptable to  
11 the Department of taking continuing education and of his  
12 fitness to have the license restored, including sworn evidence  
13 certifying to active practice in another jurisdiction, and by  
14 paying the required restoration fee. A person practicing on an  
15 expired license is deemed to be practicing without a license.  
16 However, a holder of a license may renew the license within 90  
17 days after its expiration by complying with the requirements  
18 for renewal and payment of an additional fee. A license renewal  
19 within 90 days after expiration shall be effective  
20 retroactively to the expiration date.

21 If a person whose license has expired or who has had his  
22 license on inactive status for more than 5 years has not  
23 maintained an active practice satisfactory to the department,  
24 the Department shall determine, by an evaluation process  
25 established by rule, his or her fitness to resume active status  
26 and may require the person to complete a period of evaluated  
27 clinical experience and may require successful completion of a  
28 practical examination.

29 However, any person whose license has expired while he has  
30 been engaged (1) in federal or state service active duty, or  
31 (2) in training or education under the supervision of the  
32 United States preliminary to induction into the military  
33 service, may have his license restored without paying any  
34 lapsed renewal or restoration fee, if within 2 years after  
35 termination of such service, training or education other than  
36 by dishonorable discharge, he furnishes the Department with

1 satisfactory proof that he has been so engaged and that his  
2 service, training or education has been so terminated.

3 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

4 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

5 (Section scheduled to be repealed on January 1, 2006)

6 Sec. 16.1. Continuing education. The Department shall  
7 promulgate rules of continuing education for persons licensed  
8 under this Act. In establishing rules, the Department shall  
9 require a minimum of 48 ~~32~~ hours of study in approved courses  
10 for dentists during each 3-year ~~2-year~~ licensing period and a  
11 minimum of 36 ~~24~~ hours of study in approved courses for dental  
12 hygienists during each 3-year ~~2-year~~ licensing period. ~~These~~  
13 ~~continuing education rules shall only apply to licenses renewed~~  
14 ~~after November 1, 1992.~~

15 The Department shall approve only courses that are relevant  
16 to the treatment and care of patients, including, but not  
17 limited to, clinical courses in dentistry and dental hygiene  
18 and nonclinical courses such as patient management, legal and  
19 ethical responsibilities, and stress management. Courses shall  
20 not be approved in such subjects as estate and financial  
21 planning, investments, or personal health. Approved courses  
22 may include, but shall not be limited to, courses that are  
23 offered or sponsored by approved colleges, universities, and  
24 hospitals and by recognized national, State, and local dental  
25 and dental hygiene organizations.

26 No license shall be renewed unless the renewal application  
27 is accompanied by an affidavit indicating that the applicant  
28 has completed the required minimum number of hours of  
29 continuing education in approved courses as required by this  
30 Section. The affidavit shall not require a listing of courses.  
31 The affidavit shall be a prima facie evidence that the  
32 applicant has obtained the minimum number of required  
33 continuing education hours in approved courses. The Department  
34 shall not be obligated to conduct random audits or otherwise  
35 independently verify that an applicant has met the continuing

1 education requirement. The Department, however, may not  
2 conduct random audits of more than 10% of the licensed dentists  
3 and dental hygienists in any one licensing cycle to verify  
4 compliance with continuing education requirements. If the  
5 Department, however, receives a complaint that a licensee has  
6 not completed the required continuing education or if the  
7 Department is investigating another alleged violation of this  
8 Act by a licensee, the Department may demand and shall be  
9 entitled to receive evidence from any licensee of completion of  
10 required continuing education courses for the most recently  
11 completed 3-year ~~2-year~~ licensing period. Evidence of  
12 continuing education may include, but is not limited to,  
13 canceled checks, official verification forms of attendance,  
14 and continuing education recording forms, that demonstrate a  
15 reasonable record of attendance. The Illinois State Board of  
16 Dentistry shall determine, in accordance with rules adopted by  
17 the Department, whether a licensee or applicant has met the  
18 continuing education requirements. Any dentist who holds more  
19 than one license under this Act shall be required to complete  
20 only the minimum number of hours of continuing education  
21 required for renewal of a single license. The Department may  
22 provide exemptions from continuing education requirements. The  
23 exemptions shall include, but shall not be limited to, dentists  
24 and dental hygienists who agree not to practice within the  
25 State during the licensing period because they are retired from  
26 practice.

27 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 90-544,  
28 eff. 1-1-98.)

29 (225 ILCS 25/19) (from Ch. 111, par. 2319)

30 (Section scheduled to be repealed on January 1, 2006)

31 Sec. 19. Licensing Applicants from other States. Any person  
32 who has been lawfully licensed to practice dentistry, including  
33 the practice of a licensed dental specialty, or dental hygiene  
34 in another state or territory which has and maintains a  
35 standard for the practice of dentistry, a dental specialty, or

1 dental hygiene at least equal to that now maintained in this  
2 State, or if the requirements for licensure in such state or  
3 territory in which the applicant was licensed were, at the date  
4 of his licensure, substantially equivalent to the requirements  
5 then in force in this State, and who has been lawfully engaged  
6 in the practice of dentistry or dental hygiene for at least 3  
7 of the 5 years immediately preceding the filing of his or her  
8 application to practice in this State and who shall deposit  
9 with the Department a duly attested certificate from the Board  
10 of the state or territory in which he or she is licensed,  
11 certifying to the fact of his or her licensing and of his or  
12 her being a person of good moral character may, upon payment of  
13 the required fee, be granted a license to practice dentistry, a  
14 dental specialty, or dental hygiene in this State, as the case  
15 may be.

16 For the purposes of this Section, in computing 3 of the  
17 immediately preceding 5 years of practice in another state or  
18 territory, any person who left the practice of dentistry to  
19 enter the military service and who practiced dentistry while in  
20 the military service may count as a part of such period the  
21 time spent by him in such service.

22 Applicants have 3 years from the date of application to  
23 complete the application process. If the process has not been  
24 completed in 3 years, the application shall be denied, the fee  
25 forfeited and the applicant must reapply and meet the  
26 requirements in effect at the time of reapplication.

27 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

28 (225 ILCS 25/24) (from Ch. 111, par. 2324)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 24. Refusal, Suspension or Revocation of Dental  
31 Hygienist License. The Department may refuse to issue or renew  
32 or may revoke, suspend, place on probation, reprimand or take  
33 other disciplinary action as the Department may deem proper,  
34 including fines not to exceed \$2,500 per violation, with regard  
35 to any dental hygienist license for any one or any combination

1 of the following causes:

2 1. Fraud in procuring license.

3 2. Performing any operation not authorized by this Act.

4 3. Practicing dental hygiene other than under the  
5 supervision of a licensed dentist as provided by this Act.

6 4. The wilful violation of, or the wilful procuring of, or  
7 knowingly assisting in the violation of, any Act which is now  
8 or which hereafter may be in force in this State relating to  
9 the use of habit-forming drugs.

10 5. The obtaining of, or an attempt to obtain a license, or  
11 practice in the profession, or money, or any other thing of  
12 value by fraudulent representation.

13 6. Gross negligence in performing the operative procedure  
14 of dental hygiene.

15 7. Active practice of dental hygiene while knowingly having  
16 any infectious, communicable, or contagious disease proscribed  
17 by rule or regulation of the Department.

18 8. Habitual intoxication or addiction to the use of  
19 habit-forming drugs.

20 9. Conviction in this or another state of any crime which  
21 is a felony under the laws of this State or conviction of a  
22 felony in a federal court, if the Department determines, after  
23 investigation, that such person has not been sufficiently  
24 rehabilitated to warrant the public trust.

25 10. Aiding or abetting the unlicensed practice of dentistry  
26 or dental hygiene.

27 11. Discipline by another U.S. jurisdiction or a foreign  
28 nation, if at least one of the grounds for the discipline is  
29 the same or substantially equivalent to those set forth in this  
30 Act.

31 12. Violating the Health Care Worker Self-Referral Act.

32 13. Violating the prohibitions of Section 38.1 of this Act.

33 14. Engaging in dishonorable, unethical, or unprofessional  
34 conduct of a character likely to deceive, defraud, or harm the  
35 public.

36 The provisions of this Act relating to proceedings for the

1 suspension and revocation of a license to practice dentistry  
2 shall apply to proceedings for the suspension or revocation of  
3 a license as a dental hygienist.

4 (Source: P.A. 91-520, eff. 1-1-00.)

5 (225 ILCS 25/25) (from Ch. 111, par. 2325)

6 (Section scheduled to be repealed on January 1, 2006)

7 Sec. 25. Notice of hearing; investigations and informal  
8 conferences.

9 (a) Upon the motion of either the Department or the Board  
10 or upon the verified complaint in writing of any person setting  
11 forth facts which if proven would constitute grounds for  
12 refusal, suspension or revocation of license under this Act,  
13 the Board shall investigate the actions of any person,  
14 hereinafter called the respondent, who holds or represents that  
15 he holds a license. All such motions or complaints shall be  
16 brought to the Board.

17 (b) Prior to taking an in-person statement from a dentist  
18 or dental hygienist who is the subject of a complaint, the  
19 investigator shall inform the dentist or the dental hygienist  
20 in writing:

21 (1) that the dentist or dental hygienist is the subject  
22 of a complaint; ~~and~~

23 (2) that the dentist or dental hygienist need not  
24 immediately proceed with the interview and may seek  
25 appropriate consultation prior to consenting to the  
26 interview; ~~and.~~

27 (3) that failure of the dentist or dental hygienist to  
28 proceed with the interview shall not prohibit the  
29 Department from conducting a visual inspection of the  
30 facility.

31 A Department investigator's failure to comply with this  
32 subsection may not be the sole ground for dismissal of any  
33 order of the Department filed upon a finding of a violation or  
34 for dismissal of a pending investigation.

35 (c) If the Department concludes on the basis of a complaint

1 or its initial investigation that there is a possible violation  
2 of the Act, the Department may:

- 3 (1) schedule a hearing pursuant to this Act; or  
4 (2) request in writing that the dentist or dental  
5 hygienist being investigated attend an informal conference  
6 with representatives of the Department.

7 The request for an informal conference shall contain the  
8 nature of the alleged actions or inactions that constitute the  
9 possible violations.

10 A dentist or dental hygienist shall be allowed to have  
11 legal counsel at the informal conference. If the informal  
12 conference results in a consent order between the accused  
13 dentist or dental hygienist and the Department, the consent  
14 order must be approved by ~~the Board and~~ the Director. However,  
15 if the consent order would result in a fine exceeding \$5,000 or  
16 the suspension or revocation of the dentist or dental hygienist  
17 license, the consent order must be approved by the Board and  
18 the Director. Participation in the informal conference by a  
19 dentist, a dental hygienist, or the Department and any  
20 admissions or stipulations made by a dentist, a dental  
21 hygienist, or the Department at the informal conference,  
22 including any agreements in a consent order that is  
23 subsequently disapproved by either the Board or the Director,  
24 shall not be used against the dentist, dental hygienist, or  
25 Department at any subsequent hearing and shall not become a  
26 part of the record of the hearing.

27 (d) The Director shall, before suspending, revoking,  
28 placing on probationary status, or taking any other  
29 disciplinary action as the Director may deem proper with regard  
30 to any license, at least 30 days prior to the date set for the  
31 hearing, notify the respondent in writing of any charges made  
32 and the time and place for a hearing of the charges before the  
33 Board, direct him or her to file his or her written answer  
34 thereto to the Board under oath within 20 days after the  
35 service on him or her of such notice and inform him or her that  
36 if he or she fails to file such answer default will be taken

1 against him or her and his or her license may be suspended,  
2 revoked, placed on probationary status, or other disciplinary  
3 action may be taken with regard thereto, including limiting the  
4 scope, nature or extent of his or her practice, as the Director  
5 may deem proper.

6 (e) Such written notice and any notice in such proceedings  
7 thereafter may be served by delivery personally to the  
8 respondent, or by registered or certified mail to the address  
9 last theretofore specified by the respondent in his or her last  
10 notification to the Director.

11 (Source: P.A. 91-689, eff. 1-1-01.)

12 (225 ILCS 25/25.1 new)

13 Sec. 25.1. Subpoena powers.

14 (a) The Department, upon a determination by the chairperson  
15 of the Board that reasonable cause exists that a violation of  
16 one or more of the grounds for discipline set forth in Section  
17 23 or Section 24 of this Act has occurred or is occurring, may  
18 subpoena the dental records of individual patients of dentists  
19 and dental hygienists licensed under this Act.

20 (b) Notwithstanding subsection (a) of this Section, the  
21 Board and the Department may subpoena copies of hospital,  
22 medical, or dental records in mandatory report cases alleging  
23 death or permanent bodily injury when consent to obtain the  
24 records has not been provided by a patient or a patient's legal  
25 representative. All records and other information received  
26 pursuant to a subpoena shall be confidential and shall be  
27 afforded the same status as information concerning medical  
28 studies under Part 21 of Article VIII of the Code of Civil  
29 Procedure. The use of these records shall be restricted to  
30 members of the Board, the dental coordinator, and appropriate  
31 Department staff designated by the Secretary for the purpose of  
32 determining the existence of one or more grounds for discipline  
33 of the dentist or dental hygienist as provided for in Section  
34 23 or Section 24 of this Act.

35 (c) Any review of an individual patient's records shall be

1 conducted by the Department in strict confidentiality,  
2 provided that the patient records shall be admissible in a  
3 disciplinary hearing before the Secretary, the Board, or a  
4 hearing officer designated by the Department when necessary to  
5 substantiate the grounds for discipline alleged against the  
6 dentist or dental hygienist licensed under this Act.

7 (d) The Department may provide reimbursement for fees and  
8 mileage associated with its subpoena power in the same manner  
9 prescribed by law for judicial procedure in a civil case.

10 (e) Nothing in this Section shall be deemed to supersede  
11 the provisions of Part 21 of Article VIII of the Code of Civil  
12 Procedure, now or hereafter amended, to the extent applicable.

13 (225 ILCS 25/50) (from Ch. 111, par. 2350)

14 (Section scheduled to be repealed on January 1, 2006)

15 Sec. 50. Patient Records. Every dentist shall make a record  
16 of all dental work performed for each patient. The record shall  
17 be made in a manner and in sufficient detail that it may be  
18 used for identification purposes.

19 Dental records required by this Section shall be maintained  
20 for 10 years. Dental records required to be maintained under  
21 this Section, or copies of those dental records, shall be made  
22 available upon request to the patient or the patient's  
23 guardian. A dentist shall be entitled to reasonable  
24 reimbursement for the cost of reproducing these records, which  
25 shall not exceed the cost allowed under Section 8-2003 of the  
26 Code of Civil Procedure, provided that the reasonable cost of  
27 reproducing the records has been paid by the patient or the  
28 patient's guardian.

29 (Source: P.A. 87-576.)

30 (225 ILCS 25/54.2 new)

31 Sec. 54.2. Dental emergency responders. A dentist or dental  
32 hygienist who is a dental emergency responder is deemed to be  
33 acting within the bounds of his or her license when providing  
34 care during a declared local, State, or national emergency.

1           Section 99. Effective date. This Act takes effect December  
2    31, 2005.